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Attorneys for Defendant
THE DIAL CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SAN FRANCISCO TECHNOLOGY INC.,

Plaintiff,

v.

THE DIAL CORPORATION,

Defendant.

Case No.: 5:10-cv-04986-JF

**STIPULATION TO WITHDRAW DIAL'S
MOTION TO DISMISS SFTI'S FIRST
AMENDED COMPLAINT (Docket No. 28)
WITHOUT PREJUDICE**

Judge: Hon. Jeremy Fogel

Plaintiff San Francisco Technology Inc. ("SFTI") and defendant The Dial Corporation ("Dial") (collectively, the "Parties"), through their respective counsel, hereby make the following stipulation (the "Stipulation"):

WHEREAS, the hearing date for Dial's Motion to Dismiss SFTI's First Amended Complaint (Dkt. No. 28) is currently scheduled for Friday, July 8, 2011 at 9:00 a.m.;

WHEREAS, the Parties have agreed to settle their disputes in this action;

WHEREAS, the Parties agree that it is unnecessary for the Parties to appear at the July 8, 2011 hearing on Dial's Motion to Dismiss SFTI's First Amended Complaint; and

WHEREAS, the Parties agree that all upcoming proceedings and/or deadlines in this action will be deferred pending the Parties' completion of the formal settlement papers and filing of the

1 Stipulation for Voluntary Dismissal With Prejudice;

2 THEREFORE, THE PARTIES HEREBY STIPULATE THAT, pursuant to Local Rule 7-
3 7(e), Dial's Motion to Dismiss SFTI's First Amended Complaint (Dkt. No. 28), currently set for
4 hearing on Friday, July 8, 2011 at 9:00 a.m., is withdrawn without prejudice. The motion is
5 withdrawn without prejudice to refile in the event that the Parties are unable to negotiate a
6 settlement. Each party will bear its own costs (including attorneys fees) incurred in connection with
7 Dial's Motion to Dismiss, its withdrawal, this Stipulation, and otherwise.

8 Respectfully submitted,

9 Dated: July 6, 2011

KRIEG, KELLER, SLOAN, REILLEY & ROMAN
LLP

11 By: _____/s/_____
12 Christopher T. Holland
Counsel for The Dial Corporation

13 In accordance with General Order No. 45, Section X(B), the above signatory attests that
14 concurrence in the filing of this document has been obtained from the signatory below.


15 Dated: July 6, 2011

MOUNT, SPELMAN & FINGERMAN, P.C.

17 By: _____/s/_____
Benjamin R. Lemke
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Counsel for Plaintiff San Francisco Technology Inc.

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: 7/8/2011

24 By: 
25 THE HON. JEROME FOGEL
United States District Court Judge